

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DIOMA BURKS,

No. C 11-00924 SI

Plaintiff,

**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

v.

DR. BICK,

Defendant.

On February 28, 2011, plaintiff Dioma Burks filed this employment discrimination complaint against defendant Dr. Bick, the Health Care Manager at the California Medical Facility in Vacaville, along with a motion for leave to file in forma pauperis ("IFP motion"). Attached to her complaint was a Union grievance that had been filed on her behalf, and a Notice from the EEOC that it was closing its file in her case.


The case was initially assigned to a Magistrate Judge. After the case was reassigned to this Court, the Court granted plaintiff's IFP motion and a summons was issued on May 10, 2011. Defendant then filed a motion to dismiss plaintiff's complaint. The motion to dismiss was scheduled for hearing on September 2, 2011. After plaintiff failed to file a response to defendant's motion, the Court vacated the hearing and issued an order to show cause why her complaint should not be dismissed for failure to prosecute. The Court ordered her to file a statement by September 16, 2011.

As of December 20, 2011, no statement has been filed with the Court, nor has plaintiff

1 contacted the Court in any other way. This action is therefore DISMISSED without prejudice for
2 failure to prosecute.

3
4 **IT IS SO ORDERED.**

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6 Dated: December 20, 2011



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California